

**IN THE MATTER OF A COMPLAINT PURSUANT TO
THE CANADIAN INTERNET REGISTRATION AUTHORITY
DOMAIN NAME DISPUTE RESOLUTION POLICY AND RULES**

Dispute Number: DCA-1945-CIRA
Domain Name: <vfris.ca> and <vfriscanada.ca>
Complainant: Volunteer Firemen's Insurance Services, Inc.
Registrant: Advantage Benefits Plus, Inc
Registrar: Tucows.com Co.
Panel: The Honourable Neil Anthony Brown QC
Service Provider: British Columbia International Commercial Arbitration Centre

DECISION

OVERVIEW

1. This matter concerns a dispute between the Complainant and the Registrant regarding the registration of the domain names <<vfris.ca> and <vfriscanada.ca> ("the disputed domain names").
2. The British Columbia International Commercial Arbitration Centre ("BCICAC") is a recognized service provider to the CIRA Domain Name Dispute Resolution Policy ("the Policy") of the Canadian Internet Registration Authority ("CIRA").
3. This is a proceeding under the CIRA Domain Name Dispute Resolution Policy (the "Policy"), in accordance with the CIRA Dispute Resolution Rules (the "Rules").
4. The Complainant claims that the Registrant registered the disputed domain names in breach of the Policy. The Registrant has not filed a Response in this proceeding.

THE PARTIES

1. The Complainant in this proceeding is Volunteer Firemen's Insurance Services, Inc., 183 Leaders Heights Road, Pennsylvania 17405, U.S.A. and gwall@dww.com ("the Complainant").
2. The Registrant in this proceeding is Advantage Benefits Plus, Michael Crowe, 206-2750 Quadra Street, Victoria, BC V8T4E8, Canada and michaelc@benefits.bc.ca ("the Registrant").

REGISTRATION OF THE DISPUTED DOMAIN NAMES

1. The disputed domain name <vfris.ca> was registered by the Registrant on August 6, 2015 and the disputed domain name <vfriscanada.ca> was registered by the Registrant on July 24, 2015.
2. The Registrar of the disputed domain name is Tucows.com Co.

PROCEDURAL HISTORY

According to the information provided by the BCICAC:

- (a) The Complainant filed a Complaint with respect to the disputed domain names in accordance with the Policy on January 12, 2018.
- (b) The Complaint was reviewed and found to be administratively compliant. By letter dated January 12, 2018, the BCICAC as service provider confirmed administrative compliance of the Complaint and, as Notice in accordance with Rules 2.1 and 4.3, forwarded a copy of the Complaint to the Registrant together with its Schedules, by email on that date, as the Complaint with attachments had been filed exclusively by email. By the same communication the BCICAC informed the parties that in accordance

with Rule 4.4 the date of commencement of the Proceeding was January 12, 2018 and that any Response had to be filed by February 1, 2018.

- (c) The Registrant did not file a Response in this proceeding with the BCICAC by February 1, 2018 or at all.
- (d) On February 21, 2018 the BCICAC by email to the Complainant and the Registrant gave notice that the time to submit a Response had expired and that accordingly under Rule 6.5, the Complainant might elect to convert from a three-person tribunal to a single arbitrator within 5 days of receipt of, which the Complainant did.
- (e) On February 22, 2018, BCICAC appointed The Honourable Neil Anthony Brown Q.C. as sole arbitrator in this proceeding. The sole arbitrator has signed and forwarded to the BCICAC an Acceptance of Appointment as Arbitrator and Statement of Independence and Impartiality.
- (f) The Panel has reviewed all of the material submitted by the Complainant and is satisfied that the Complainant is an eligible Complainant under the Policy and the Rules by virtue of its ownership of the trademark for VFIS with the registration number 0580558 registered with the Canadian Intellectual Property Office on February 25, 1994 and the trademark for VFIS & DESIGN with the registration number 1367484, registered with the Canadian Intellectual Property Office on October 16, 2008 and used by or on behalf of the Complainant in Canada. Moreover, the Complainant has offered its insurance services in Canada under the VFIS mark since at least as early as 1993.

FACTS

The facts set out below are taken from the Complaint, together with related exhibits.

The Complainant is a United States company which has been operating in insurance in Canada through licensed agents for several decades under the brand VFIS. It provides insurance services to emergency organisations, such as fire departments, ambulance and rescue squads and 911 centres. It registered the VFIS trademark in Canada in 1994 and the VFIS & DESIGN trademark in 2008. It also operates the website at www.vfis.com, which is owned by an affiliate company, to conduct its business.

The Complainant maintains that the Registrant registered the disputed domain name <vfis.ca> on August 6, 2015 and the disputed domain name <vfiscanada.ca> on July 24, 2015, that the Registrant had no right to do so, that it is plain that the Registrant is using the Complainant's trademark VFIS in the domain names without any authority and that the Respondent has since used the domain names to resolve to the website of a competitor at www.providentbenefits.ca, ("Provident") which offers competing insurance products, especially for emergency workers, as does the Complainant. In the course of doing so, the Registrant has used the Complainant's own trademark VFIS to create confusion and to imply that the services being offered by Provident are being so offered with the approval of the Complainant, which is untrue.

For that reason, the Complainant has requested that the disputed domain names be transferred from the Registrant to the Complainant.

The Registrant has not replied to the submissions of the Complainant.

The Complainant is the owner of the following trademark registered with the Canadian Intellectual Property Office ("CIPO"), namely: the trademark for VFIS with the registration number 0580558 registered with the Canadian Intellectual Property Office on February 25, 1994 and the trademark for VFIS & DESIGN with the registration number 1367484, registered with the Canadian Intellectual Property Office on October 16, 2008 (hereinafter referred to collectively as "the VFIS trademarks").

As the disputed domain names were registered on August 6, 2015 and July 24, 2015 respectively, the Complainant was the registered owner of Canadian trademarks prior to the dates on which the domain names were registered.

CONTENTIONS OF THE PARTIES

A. THE COMPLAINANT

The Complainant submits as follows:

1. CANADIAN PRESENCE REQUIREMENTS

The Complainant submits that it satisfies the Canadian presence requirement of paragraph 1.4 the Policy in view of the Complainant's registration of the VFIS trademarks with CIPO referred to above and established by the evidence.

2. THE REGISTRATION OF THE DISPUTED DOMAIN NAMES

The disputed domain name <vfris.ca> was registered by the Registrant on August 6, 2015 and the disputed domain name <vfiscanada.ca> was registered by the Registrant on July 24, 2015. In support therefore, the Complainant adduces a copy of the WHOIS information for each of the domain names.

The Registrar of the disputed domain name is Tucows.com Co and the Complainant has adduced evidence to that effect.

3. THE COMPLAINANT'S RELEVANT TRADEMARK RIGHTS AND ITS USE BY THE COMPLAINANT IN ITS BUSINESS

The marks on which the Complaint is based are the following trademarks registered with the Canadian Intellectual Property Office ("CIPO"), namely: the trademark for VFIS with the registration number 0580558 registered with the Canadian Intellectual Property Office on February 25, 1994 and the trademark for VFIS & DESIGN with the registration number 1367484, registered with the Canadian Intellectual Property Office on October 16, 2008 (hereinafter referred to collectively as "the VFIS trademarks"). Copy of the two relevant trademark certificates are adduced by the Complainant in evidence and are annexed to the Complaint at Tab 1.

The Complainant has a long-standing and well developed reputation based on the use of these trademarks, alone, in a design and as the primary feature of the Complainant's corporate and business name. It has used the VFIS mark in its business in Canada since at least as early as 1993.

4. THE GROUNDS ON WHICH THE COMPLAINT IS MADE

Basis for the Complaint

Confusingly Similar

Complainant's Marks. The Disputed Domain Names are confusingly similar to the VFIS trademarks, which are "Marks" within the meaning of subsection 3.2(a) and (c) of the CIRA Domain Name Dispute Resolution Policy (the "Policy"), and in which Complainant had rights prior to the date of registration of the Domain Names, and in which it continues to have rights.

The Domain Names are confusingly similar to the VFIS trademarks because they each contain the entirety of the VFIS trademark. Complainant, as established by the registered trademarks adduced in evidence, had prior rights in and to the VFIS trademarks as of the 2015 registration date of the Domain Names.

In determining whether a domain name is Confusingly Similar to a Mark, the Panel should only consider whether the domain name so nearly resembles the Mark in appearance, sound or the ideas suggested by the Mark as to be likely to be mistaken for the Mark. That is so with respect to the domain names and the Complainant's marks in this proceeding

Prior decisions show that the test for Confusingly Similar under Policy paragraph 3.3 is one of resemblance based on first impression and imperfect recollection. Accordingly, for each Domain Name the Complainant must prove on a balance of the probabilities that a person, on a first impression, knowing the Complainant's corresponding mark only and having an imperfect recollection of it, would likely mistake the Domain Name (without the .ca suffix) for the Complainant's corresponding mark based upon the appearance, sound or ideas suggested by the Mark.

Applying the test set out in the Policy and the principles elaborated upon in the CDRP decisions, the Domain Names are confusingly similar to the VFIS trademarks.

The disputed domain names include the whole of the VFIS trademarks and otherwise resemble them in appearance, sound, and ideas suggested, so as to be likely mistaken for the marks. The addition of the word "canada" in one of the Domain Names is descriptive of the geographic location of Registrant's services and does not add to the Domain Name's distinctiveness. It is therefore very likely that a person would mistakenly seek Complainant's services in Canada via the Domain Names, and believe that the Domain Names are associated with the Complainant.

The Disputed Domain Names are therefore confusingly similar to the Complainant's VFIS trademarks.

No Legitimate Interest

The Registrant does not have any legitimate interest in the Disputed Domain Names within the meaning of section 3.4 of the Policy. The Registrant has never demonstrated or given any reason to infer a legitimate interest in the domain names "vfis.ca" or "vfiscanada.ca".

The Domain Names automatically redirect to the Registrant's website, which does not use the VFIS marks, but rather offers services provided by Provident, a competitor of the Complainant. The Domain Names and Registrant's Website therefore use the VFIS trademarks without Complainant's authorization. The Registrant has never had a license to use the VFIS trademarks.

The Registrant cannot have used the Domain Names in good faith under section 3.4(a).

The Registrant cannot have used the Domain Names in good faith under section 3.4(b).

The Registrant cannot have used the Domain Names in good faith under section 3.4(c).

The Registrant cannot have used the Domain Names in good faith under section 3.4(d).

The Registrant cannot have used the Domain Names under section 3.4(e) as it is not the legal name of the Registrant.

The Registrant cannot have used the Domain Names under section 3.4(f) as it is not the geographical location of the Registrant as defined.

Bad Faith

Complainant cannot allow the Domain Names to remain unsecured. The dominant portion of the Domain Names, VFIS, is identical in sound and appearance to the Complainant's registered trademarks.

The Registrant's conduct amounts to bad faith at the time of registration and at all relevant times thereafter under paragraph 3.5(d) of the Policy by intentionally attempting to attract, for commercial gain, internet users to its Website by redirecting such users with Domain Names containing the VFIS trademarks to Provident, thus creating a likelihood of confusion with the VFIS trademarks as to the source, sponsorship, affiliation, or endorsement of the Domain Names.

Actions after the initial registration and at the time of active renewal can be used to determine bad faith registration.

B. THE REGISTRANT

The Registrant did not file a Response to this proceeding.

DISCUSSION OF THE ISSUES

1. CANADIAN PRESENCE REQUIREMENTS

Paragraph 1.4 of the Policy provides that a complainant initiating a complaint must satisfy the Canadian Presence Requirements for Registrants in respect of the domain name that is the subject of the proceeding.

Paragraph 2 (q) of the Requirements provides that:

"A Person which does not meet any of the foregoing conditions [conditions (a) to (p)], but which is the owner of a trade-mark which is the subject of a registration under the Trade-marks Act (Canada) R.S.C. 1985, c.T-13 as amended from time to time, but in this case such permission is limited to an application to register a .ca domain name consisting of or including the exact word component of that registered trade-mark".

The Complainant is the owner of the VFIS trademarks more particularly set out above and which are registered with CIPO.

The Complainant has therefore satisfied CIRA's Canadian Presence Requirement for Registrants in respect of the Disputed Domain Names.

2. REGISTRATION OF THE DISPUTED DOMAIN NAMES

- (a) The disputed domain name <vfris.ca> was registered by the Registrant on August 6, 2015 and the disputed domain name <vfriscanada.ca> was registered by the Registrant on July 24, 2015. In support therefore, the Complainant adduces a copy of the WHOIS information for each of the domain names which is attached to the Complaint at Tab 3.
- (b) The Registrar of the disputed domain name is Tucows.com Co and the Complainant has adduced evidence to that effect.
- (c) The Complainant submits that the Registrant of the domain names is Advantage Benefits Plus, Inc. The WHOIS search establishes that this is so.
- (d) The Panel will therefore proceed with this matter on the basis that the Complainant has made out its standing to file the Complaint and that the Registrant is the proper party against whom the proceeding should be brought.

3. GENERAL

The purpose of the Policy, as stated in paragraph 1.1, is to provide a forum in which cases of bad faith registration of .CA domain names can be dealt with relatively inexpensively and quickly.

In accordance with paragraph 4.1 of the Policy, to succeed in the Proceeding, the Complainant must prove, on the balance of probabilities, that:

- (a) the Registrant's dot-ca domain name is "Confusingly Similar" to a Mark in which the Complainant had Rights prior to the date of registration of the domain name and continues to have such Rights; and
- (b) the Registrant has registered the domain names in bad faith as described in paragraph 3.5 or generally;

and the Complainant must provide some evidence that:

- (c) the Registrant has no legitimate interest in the domain names as described in paragraph 3.4.

The Panel will now deal with each of the three elements.

CONFUSINGLY SIMILAR

As the Complainant correctly submits, it is required to prove that the disputed domain name is confusingly similar to a Mark in which the Complainant had rights prior to the date of registration of the Disputed Domain Name and continues to have such Rights. The Complainant must therefore show that it has rights to a mark, that it had those rights before the domain name was registered, that it still has them and that the Disputed Domain Names are confusingly similar to the marks on which it relies to establish that proposition. The Complainant submits that it can meet those requirements.

The Mark

The first question that arises is whether the Complainant has a trademark on which it can rely for the purpose of this proceeding. The Complainant has adduced evidence which the Panel accepts, to show that it is the owner of two trademarks, namely VFIS and VFIS & Design, details of which have already been set out and supported by evidence which the Panel accepts and which are collectively defined above for the purpose of this decision as "the VFIS trademarks".

The next question that arises is whether the VFIS trademarks relied on are in each case a "mark(s)" in which the Complainant had Rights prior to the date of registration of the Domain Name and continues to have such Rights.

Bearing in mind that the Registrant registered the disputed domain name <vfris.ca> on August 6, 2015 and the disputed domain name <vfriscanada.ca> on July 24, 2015, ("the due dates") the Panel finds that the Complainant had rights in trademark VFIS registered number 0580558 from when it was registered with the Canadian Intellectual Property Office on February 25, 1994 and the trademark for VFIS & DESIGN with the registration number 1367484, from when it was registered with the Canadian Intellectual Property Office on October 16, 2008, which were of course prior to the due dates.

The Panel also finds that the Complainant continues to have such rights.

The Panel finds that the VFIS trademarks are marks as defined by Paragraph 3.2 of the Policy and that they come within the meaning of "mark" in Paragraph 3.2 (a), as the unchallenged evidence shows that they are registered with CIPO.

The panel therefore finds that the VFIS trademarks are marks in which the Complainant had rights before the Disputed Domain Names were registered and in which it still has rights.

Confusingly similar

Pursuant to paragraph 3.3 of the Policy, a domain name will be found to be confusingly similar with a mark if it so nearly resembles the same in appearance, sound or in the ideas suggested so as to be likely to be mistaken for the mark. The test to be applied when considering "confusingly similar" is one of first impression and imperfect recollection and the "dot-ca" suffix should be excluded from consideration (see *Coca-Cola Ltd. v. Amos B. Hennan*, BCICAC Case No. 00014). The Complainant has also cited other decisions that are to the same effect.

Having regard to those principles, the Panel finds that the Disputed Domain Names are, respectively, identical and confusingly similar to the VFIS trademarks. That is so because an objective bystander, asked to make a comparison between the domain names and each of the trademarks would readily see that the <vfris.ca> domain name is identical to the VFIS trademark and that the <vfriscanada.ca> domain name is confusingly similar to the VFIS trademark as it incorporates the VFIS mark and adds "canada" to designate where the domain name and its resolving website are most likely to be based, namely in Canada. An internet user would also probably conclude that the idea suggested by the domain names was that they were official domain names that would lead to websites dealing with the Complainant's business conducted under the respective trademarks.

Accordingly, the disputed domain names are, for the purposes of the Policy, confusingly similar to the VFIS trademarks as they so nearly resemble the marks in appearance, sound and in the ideas suggested as to be likely to be mistaken for the VFIS trademarks within the meaning of Paragraph 3.3 of the Policy.

The Panel therefore concludes that the disputed domain names are confusingly similar to the VFIS trademarks in which the Complainant had Rights prior to the registration dates of the Disputed Domain Names and in which it continues to have such Rights.

The Complainant has thus made out the first of the three elements that it must prove.

NO LEGITIMATE INTEREST IN THE DOMAIN NAME

Under the Policy, the question whether the Registrant has a legitimate interest in the disputed domain name is to be decided in the following framework. First, there must be an assertion that the Registrant has no legitimate interest in the domain name. That criterion has been satisfied because the Complainant has made such an assertion in the Complaint. Secondly, the Complainant must provide some evidence that "... (c) the Registrant

has no legitimate interest in the domain name *as described in paragraph 3.4 (emphasis added)*.” Each of the sub-paragraphs of paragraph 3.4 describes a situation which, if made out, would give the Registrant a legitimate interest in the domain name. The obligation on the Complainant is therefore to show that the Registrant cannot make out any of the successive tests in the sub-paragraphs of 3.4. Thirdly, the Panel has to decide whether the evidence as a whole shows on the balance of probabilities that the Registrant has a legitimate interest in the domain name. Fourthly, the Registrant is not confined to the criteria set out in that paragraph, for those criteria are “without limitation”. In other words, a registrant may try to bring itself within any of the specified criteria, but it may also rely on any other fact or argument it wishes to rely on to show that it has a legitimate interest. If it does do this, the role of the Panel is to decide if the registrant has made out its case and to make that decision on the balance of probabilities. The Registrant, however, has waived that right by not filing a Response.

The first task of the Panel is therefore to see if the Complainant has provided “some evidence” that the Registrant has not brought itself within any of the specific criteria in paragraph 3.4.

Applying that test, the Panel finds that the Complainant has provided some evidence that the Registrant has no legitimate interest in the disputed domain name. In particular, the Complainant has shown by the evidence that, as the Complainant submitted and as the Panel agrees:

The Registrant cannot have used the Domain Names in good faith under section 3.4(a).

The Registrant cannot have used the Domain Names in good faith under section 3.4(b).

The Registrant cannot have used the Domain Names in good faith under section 3.4(c).

The Registrant cannot have used the Domain Names in good faith under section 3.4(d).

The Registrant cannot have used the Domain Names in under section 3.4(e) as it is not the legal name of the Registrant.

The Registrant cannot have used the Domain Names under section 3.4(f) as it is not the geographical location of the Registrant as defined.

The Complainant has shown very persuasively that on the available evidence and inferences that can be drawn from it, that the Registrant has no legitimate interest in either of the domain names.

The Panel has also examined each of the circumstances set out in the various sub-paragraphs of paragraph 3.4 of the Policy. It is apparent to the Panel that the Registrant could not conceivably bring itself within any of the circumstances in those sub-paragraphs. In this regard it must be remembered that the Registrant has in effect taken the Complainant’s trademark, caused it to resolve to a direct competitor of the Complainant and caused or allowed it to be used for soliciting business that might well have been the Complainant’s.

These facts have two effects. First, they show that the Complainant has shown some persuasive evidence that the Registrant has no legitimate interest in the domain names, so that the Complainant has met its obligations under this section of the Policy. Accordingly, the Complainant has provided evidence that the Registrant cannot bring itself within any of the specified criteria in paragraph 3.4 that would show a legitimate interest in the domain name and the Panel so finds.

They also show that the Registrant has in fact no such legitimate interest, for such conduct described above and elsewhere could never give rise to a legitimate interest in a domain name.

Finally, and underlying all of these considerations is the fact that the Registrant had an unlimited opportunity of presenting its case, but has forfeited that opportunity by not filing a Response and has not tried in any way to show it has a legitimate interest in the domain names.

The Complainant has thus established the second of the three elements that it must prove.

REGISTRATION IN BAD FAITH

The Panel now turns to consider whether the disputed domain name was registered in bad faith. In that regard, the Panel notes that, consistent with the decision in *Canadian Broadcasting Corporation? Societes Radio-Vanada v. William Quon*, CIRA Dispute Number 00006(April 8, 2003), pp.13-14, a decision cited by the Complainant, surrounding circumstances may be considered in assessing whether the disputed domain name has been registered in bad faith.

By clause 3.1 of the Policy, the Complainant is obliged to prove that:

“(c) the Registrant has registered the domain name in bad faith as described in paragraph 3.5.”

Section 3.5 provides that “(f)or the purposes of paragraphs 3.1(c) ... any of the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence that a Registrant has registered a domain name in bad faith:...” and then goes on to provide four such circumstances, two of which are relied on by the Complainant, namely:

“(a)...;

(b)...;

(c) the Registrant registered the domain name or acquired the Registration primarily for the purpose of disrupting the business of the Complainant, or the Complainant’s licensor or licensee of the Mark, who is a competitor of the Registrant;

(d) the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant’s website or other on-line location, by creating a likelihood of confusion with the Complainant’s Mark as to the source, sponsorship, affiliation, or endorsement of the Registrant’s website or location or of a product or service on the Registrant’s website or location.”

It is to be noted that the criteria for bad faith are not exclusive, but that complainants may rely on circumstances other than those enumerated to show bad faith registration.

The Panel will now examine the two criteria relied on by the Complainant.

3.5 (c) Disrupting the business of the Complainant

The Complainant relies on *Yamaha Corporation and Yamaha Motor Canada Inc., v. Jim Yoon*, B CICAC Case 000899, October 31, 2007 (at which time the relevant provision was Paragraph 3.7(c)), where the panel decided that “The Complainants’ business is disrupted or potentially disrupted by the fact that the Registrant’s website features sponsored or advertised links to competitors of the Complainant Yamaha including Kawasaki and Suzuki and some of the sponsored links contain the YAMAHA trade-mark, including the links “Online Part yamaha,” “Motorcycle OEM yamaha,” “Motorcycle PartYamaha,” and others.”

That is similar to the present case, for the domain names include the Complainant’s trademark and the Registrant has used them to redirect users to the website of a competitor of the Complainant and the services offered are in competition to those of the Complainant. In any event, it cannot but disrupt a complainant’s business when a competitor takes its trademark and starts to advertise competing services, for the disruption comes from the potential loss of business.

The Panel therefore finds that the Respondent, as a competitor, registered the domain names in bad faith by disrupting the Complainant’s business.

Intentionally Attract Traffic For Commercial Gain –Paragraph 3(5)(d)

The Complainant also relies on paragraph 3.5(d) of the Policy and submits that the Registrant intentionally attempted to attract, for commercial gain, internet users to its website by creating a likelihood of confusion with the VFIS trademarks as to the source, sponsorship, affiliation or endorsement of the contents of Registrant’s website.

The Panel agrees with that submission. As the Complainant submits in substance, if the domain names remain with Respondent, further disruption and the further loss of potential business is probable. That is because the

Respondent has taken the Complainant's trademark, used it in its domain names and sought by that means to divert some of the Complainant's business to itself. The confusion created is as to whether the internet user has arrived at the Complainant's site or not and whether the services being offered are those of the Complainant or not.

The Panel therefore finds that the Respondent has registered the domain names in bad faith by committing a breach of Paragraph 3.5(d).

Bad Faith in general

Bad faith registration may also be shown by conduct other than the conduct specified. This is made clear by Section 3.5 providing as it does, that "(f) or the purposes of paragraphs 3.1(c) ... any of the following circumstances, *in particular but without limitation*, if found by the Panel to be present, shall be evidence that a Registrant has registered a domain name in bad faith:..." (emphasis added). This provision is included, as bad faith conduct may take many forms and it is frequently used to find bad faith registration and (under the Uniform Domain Name Dispute Resolution Policy) bad faith use.

The Panel has examined all of the evidence carefully and has concluded that it shows on the balance of probabilities that the Registrant registered the domain names in circumstances that can fairly be described as bad faith within the generally accepted meaning of that expression. Indeed there is no other interpretation that can be placed on the evidence.

The Panel finds that the intention of the Registrant was to register the domain name because it reflected the Complainant's famous trademarks and eventually to use it for a purpose consistent with its own interests and not with the Complainant's interests and for a purpose that would benefit the Registrant financially by taking away some of the Complainant's potential business. That conduct constitutes bad faith registration.

The Complainant has thus made out the third of the three elements that it must establish.

CONCLUSION AND DECISION

The Panel finds that the constituent elements of the Policy have been made out and that the Complainant is entitled to the relief it seeks. The Panel will therefore order that the disputed domain names be transferred to the Complainant.

ORDER

The Panel directs that the registration of the Domain Names <vfis.ca> and <vfiscanada.ca> be transferred from the Registrant to the Complainant Volunteer Firemen's Insurance Services, Inc.

Date: February 27, 2018



The Honourable Neil Anthony Brown Q.C.